Planning, Housing and Social Welfare Secretariat.

NOTIFICATION

Bangalore, dated the 21st September, 1965.

G. S. R. 693.—The following draft of the Mysore Children Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 100 of the Mysore Children Act, 1964, (Mysore Act, No. 19 of 1964), is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th October 1965.

Any objections or suggestions which may be received from any person by the Government in respect of the said draft before the aforesaid date will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Planning, Housing and Social Welfare Department, Vidhana Souhda, Bangalore-1.

1. *Short Title*:—These rules may be called the Mysore Children Rules, 1965.

2. *Definitions :*—In these rules unless the context otherwise requires—

(*a*) "Act" means the Mysore Children Act, 1964, (Mysore Act 19 of 1964).

(*b*) "Form" means a form appended to these rules.

(*c*) "Government" means the Government of Mysore.

(*d*) "Section" means a section of the Act.

(*e*) "Schedule" means a schedule to these rules.

3. *Recognition of Fit Person Institutions and approved places :*—(1) Any institution or association desiring to be recognised as a Fit Person Institution or approved place for

the reception of neglected children and Juvenile offenders, may make an application in writing to the Chief Inspector, who shall cause the institution to be inspected and shall make a report to the Government regarding the provision made in the institution for the boarding, lodging and general health of the inmates and the quality of the literacy made available.

(2) The Government may pass such orders as it deems fit on any application received under this rule.

4. *Registers to be maintained by Certified Schools, Fit Person Institutions and approved places :*—The Chief Inspector shall, subject to the general control of the Government, specify the registers and records to be maintained by the Managers of Certified Schools, Fit Person Institutions, and approved places in respect of Children Committed to such Schools, Institutions and places.

5. *Inspection by the Chief Inspector :*—The Chief Inspector may visit any Certified School or Fit Person Institution at any time, hear any complaints of the inmates and make suggestions to the Managers thereof.

6. *Duties of the Inspecting Staff :*—(1) Every Inspector and Assistant Inspector of Certified Schools shall, during his inspection of a Certified School or a Fit Person Institution give every child committed to the care of such school or institution, an opportunity to make any complaint or application to him which such a child may wish to make.

(2) Every such Inspector or Assistant Inspector shall, at the conclusion of his inspection, note in the Visitor's Book the fact that, he inspected the school or institution as the case may be, on a particular date.

(3) The Inspector and the Assistant Inspector shall submit to the Chief Inspector, a detailed report of his inspection.

(4) The Chief Inspector may, after considering the report submitted by the Inspector or the Assistant Inspec-

tor under sub-rule (3), communicate to the Certified School or Fit Person Institution, any suggestion he has to make or such suggestions as he may deem fit and necessary to be made.

7. *Educational Inspection* :—(1) In addition to the Inspectors and the Officers appointed under Section 35, the Government Educational Inspector of each.....(The local area for which Inspectors are appointed has to be specified in consultation with the Education Department, if necessary, or the Assistant Educational Inspector authorised by him in this behalf shall also be an *ex-officio* Inspector of Certified Schools, within his.....The Assistant Educational Inspector shall carry out purely educational inspection of Certified Schools whose educational curriculum is recognised to be in accordance with the curriculum approved by the Department of the Public Institution. He shall also carry out inspection of such Certified Schools within his.....as require recognition of the educational curriculum prescribed by them. He shall comply with such directions as the Chief Inspector may consider in it necessary to give him through the Director of Public Instruction in Mysore, Bangalore or Educational Inspector, as the case may be, and shall submit Inspection Reports of Certified Schools to the Chief Inspector through the Director of Public Instruction, or through the Educational Inspector and the Director of Public Instruction.

(2) Every such Inspector shall inspect the premises of each Certified School within his jurisdiction, see the Children and satisfy himself that all the registers pertaining to literary education are maintained according to the rules for the time being in force and that proper arrangements are made for the safe custody of all such records. Each year, he shall personally arrange for the examination of the literary classes of each such school and shall submit an inspection report of each school annually to the Director of Public Instruction together with any suggestions he may wish to make. The Director of Public Instruction shall forward such reports to the Chief Inspector.

8. *Remand or Committal of Juveniles to Custody.*—When a Child is taken charge of under Sub-section (1) of Section 38 or under Sub-section (1) of Section 67, he shall, unless he by an order of the Court under rule 18 is committed to the care or allowed to remain in the custody of his parent, guardian, relatives or fit person, be remanded to a Remand Home or kept in a place of safety until he can be brought before the Juvenile Court.

9. *Inspection of a place of Safety.*—(1) Any place of safety in which a child is detained shall be open to inspection by the District Magistrate or any Magistrate deputed by the District Magistrate. In all areas, place of safety shall be open to inspection by the Chief Inspector and his Inspecting staff.

(2) The occupier or manager of such place of safety shall give every facility to the Probation Officer, who vistis the Child for the purpose of making inquiries into the case.

10. *Manner of Detention of Children not committed to the Remand Home or Certified School.*—(1) Any child sentenced to imprisonment under sub-section (2) of section 62 shall be kept in the 'juvenile section to be specially provided and located away from adult criminals in every prison.

(2) No child shall be handcuffed or roped while in custody or while he is being escorted to Court or Hospital or to the place of safety, as the case may be, and he shall not be accompanied by a Police Officer in uniform.

11. *Application for Recognition of Societies for Appointment of Probation Officers.*—Any Society desiring to be recognised under sub-section (2) of section 35 may apply to the Government in writing through the Chief Inspector of Certified Schools.

12. *Appointment of Voluntary Probation Officers.*—For purpose of sub-section (3) of section 35, the District

Magistrate in every District may keep a list of social workers for appointment as voluntary Probation Officers by the competent Court.

13. *Duties of Probation Officers.*—(1) A Probation Officer shall carry out all directions given to him by the Court and perform the following duties :—

(i) to make initial inquiries regarding the home and school conditions and conduct, character, antecedents and health of the children under his supervision ;

(ii) to attend regularly the court and submit his report ;

(iii) to keep diary, case files and registers ;

(iv) to visit regularly children placed under probation and supervision and also places of employment or school attended by such children, and to submit regular monthly reports ;

(v) to take children, wherever possible, from court or remand home to certified schools or fit person institutions ;

(vi) to bring before the Court immediately the children who have not been of good behaviour during the period of supervision ;

(vii) to advise and give guidance to the children placed under supervision or released on license and to endeavour to find them employment ;

(viii) to run recreation clubs ; and

(ix) to perform any other duty which may be specified by the Court or any releasing authority in respect of children under his supervision.

(2) A Probation Officer shall not employ a child or youthful offender placed under his supervision for his own private purposes or take any private service from him.

14. *Procedure to be followed by the Juvenile Court or other competent Court.*—(1) The proceedings of the Juvenile Court or any other competent court shall be informal. The police officers shall not appear in the said Courts in uniform. Usage of certain expressions such as sentence, conviction and accused may be avoided.

(2) The Juvenile Court shall ordinarily hold its sittings in the Remand Home wherever they exist. Subject to such directions as the Government may give in this behalf, the District Magistrate may determine the place at which, the day on which and the manner in which a Juvenile Court may hold its sittings where there are no Remand Homes.

15. *Medical opinion regarding age and physical and mental condition of children.*—In every case concerning a child, the court shall obtain medical opinion regarding his age and his physical and mental conditions and when passing orders in such a case shall, after taking into consideration the medical opinion and such other evidence as may be available, record a finding in respect of his age.

16. *Supply of information regarding children by Courts.*—(1) Whenever the Court orders a child to be detained in Certified School or fit person institution, it shall forward to the Managers, Superintendents of such school or institution, a copy of its judgment, if any, or order, together with information regarding the age and address of the child, if known, and any particulars of his home and previous record, that may have been discovered.

2. The Officer-in-charge of the place of safety or the Police Station concerned, shall on the issue of orders by a Court for the detention of a Juvenile in a Certified School or Fit Person Institution, forward to the Manager/ Superintendent of such school or institution copies of any record he may have of the Juvenile's previous history.

17. *Contribution of parents or other persons.*—(1) The Court making an order under sub-section (1) of Section 78

may direct the parent or other person liable to maintain the child or Juvenile offender, to pay in Court, in advance, in the beginning of each month such sum of money as the Court may think fit, not exceeding fifty rupees in the whole per mensem towards the maintenance of such child or Juvenile offender.

(2) All such recoveries shall be credited by the Court into a Government Treasury as Miscellaneous Receipts of the Government.

18. *Manner in which a child or juvenile offender may be committed to the care of a parent, guardian, relative or other fit person.*—(1) The Court making an order committing a child or Juvenile offender to the care of, or allowing a child to remain in the custody of a parent, guardian, relative or other fit person, as the case may be under Sections 41 (1), 60(*b*) and 70(*b*) may direct such parent, guardian, relative or person to excute a bond in the form specified in Schedule I with or without sureties and in such sum of money as to Court may think fit, to keep him under proper care and control and to be responsible for his good behaviour. In addition to the conditions specified in the form of the bond as in Schedule I, the Court may impose such other conditions as it may think fit for securing that the child or Juvenile offender, as the case may be, may lead an honest and industrious life.

(2) Where a child or juvenile offender has been placed under the supervision of a probation officer, the Court shall impose a condition that all necessary assistance may be rendered by the parent, guardian, relative or other person, as the case may be, to the Probation Officer to enable him to carry out the duties of supervision.

(3) When a child or juvenile offender has been ordered to be sent on his own bond back to a relative or fit person to his native place under Section 42 or 64 or 73 the Court shall take his bond in the form specified in Schedule II.

19. *Release on license under Section* 80.—(1) A child detained in a Certified School or Fit Person Institution shall not be released by the Chief Inspector under sub-section (1) of section 80 except on the conditions specified in a license in the form specified in Schedule III.

(2) On the release of any child on license by order of the Chief Inspector under sub-rule (1) Information shall be sent by the school or institution to the committing Court of the actual date of release of the child.

20. *Detention of escaped children.*—When a child absconding from a Certified School or Fit Person Institution has been arrested at a different place, he shall be detained in a place of safety pending his removal to the Certified School or Fit Person Institution.

21. *Short leave of absence to inmates of Certified Schools and Fit Person Institutions.*—(1) The Manager, Superintendent of a Certified School or Fit Person Institution may, on sufficient cause being shown to his satisfaction, grant permission in writing to an inmate to absent himself for short period not exceeding fifteen days in aggregate in the year, exclusive of the time required for going to and returning from the destination for the purpose of visiting the parents or relations :

Provided that as far as possible the previous consent of the Chief Inspector shall be obtained for granting leave exceeding a week at a time.

(2) The permission granted under sub-rule (1) may at any time be cancelled by an order in writing by the Manager/Superintendent and the inmate may be recalled by him without giving any reasons therefor.

(3) The Chief Inspector on the application of a parent or a relative recommended by the Managers/Superintendents of Certified School or Fit Person Institution may, in selected cases, grant vacation leave up to six weeks, excluding the days of journey at a time, to inmates from Certified School or Fit Person Institution. Such permission

may be cancelled by the Chief Inspector by an order in writing and the inmate may be recalled by him without giving any reasons therefor.

(4) The time during which an inmate is absent from the School or Fit Person Institution under sub-rule (1) or (3) shall be deemed to be part of the time of the detention in the school or institution.

(5) If any inmate fails to return to the school or institution after the expiry of the period permitted under sub-rule (1) or (3) or when recalled under sub-rule (2) or (3), the Manager/Superintendent shall report the matter to the Chief Inspector and any Police Officer may, on the application in writing of such Manager/Superintendent or Chief Inspector arrest the inmate without warrant and send him back to the school or institution.

(6) The time which elapses after the failure of inmate under sub-rule (5) to return to the school or institution, shall be excluded in computing the time of detention in the school or institution.

(7) Any parent or guardian contributing towards the maintenance of the child in a Certified School or Fit Person Institution by an order passed by a Court under sub-section (1) of section 78, shall be exempt from the payment of such contribution for the period during which the child is absent from the institution under sub-rule (1) or (3).

22. *Applications for the recognition of societies and after-care organisations* .—Any society desiring to be recognised under sub-section (2) of section 35 or any after-care organisation desiring to be recognised under sub-section (1) of section 82, may make an application in writing to the Chief Inspector who shall cause the society or organisation to be inspected and forward a report to the Government regarding the provision made in the society or organisation for the boarding, lodging, general health and the arrangements made for providing training and employment facilities to the discharged inmates of Certified Schools and Fit Person Institutions for the purpose of enabling them to lead an honest, industrious and useful life. The Government

may pass such orders as it deems fit on the recommendation made by the Chief Inspector under this rule.

23. Way expenses of escorts and of children sent from the Remand Home to Certified School or Fit Person Institution, as the case may be, or from the Remand Home and Certified School on release on license, or discharge, or leave or repatriation, shall be met, from the provision made in the respective institutions and shall be governed by the rules regulating the payment of travelling allowance and daily allowance applicable to them.

24. *Repeal and Savings.* The Mysore Children Rules, 1958, as in force in the Mysore Area, the Bombay Children Rules, 1950, the Bombay Children (Management of Remand Homes maintained by District Associations) Rules, 1955 and the Bombay Children (Management of Cerified Schools) Rules, 1956, as in force in the Bombay area, Rules under the Madras Children Act, 1920, as in force in the Madras Area, the Hyderabad Children Rules, 1952, as in force in the Hyderabad Area and all other rules in force in any Area of the State immediately before the commencement of these rules relating to this subject are hereby repealed:

Provided that anything done or any action taken under any of the rules so repealed shall, unless such thing or action is inconsistent with any of the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules :

Provided further that the provisions of sections 8 and 24 of the Mysore General Clauses Act, 1899 (Act 111 of 1899) shall be applicable in respect of repeal of the said rules as if the rules has been repealed and re-issued.

[No. PHS 38 SJD 64.]

By Order and in the name of the Governor of Mysore,

M. VASUDEVA RAO,
Secretary.

or person in whose custody/to whose care.....has been allowed to remain/ordered to be committed by the.....Junvenile Court/ Magistrate.....have been directed by the Juvenile Court/ Magistrate to execute a bond in the sum of Rs.....(Rupees..... .....) with one surety*/two sureties, I hereby bind myself on the said.....being allowed to remain in my custody/committed to my care, I shall have the said.....properly taken care and I do further bind myself to be responsible for the good behaviour of the said.....and to observe the following conditions for a period of.....years commencing from :—

(1) That I shall not change my place of residence without giving previous intimation in writing to the Court through the Probation Officer.

(2) that I shall not remove the said.....from the limits of the Jurisdiction of the Court without previously obtaining the written permission of the Court ;

(3) that I shall send the said.....†daily to school/to such daily work as is approved by the Court, unless prevented from so doing by circumstances beyond my control ;

(4) that I shall report immediately to the Court through the Probation Officer, if the said.....misbehaves or absconds from custody.

(5) that I shall produce the said.....before the Court whenever so required by the Court ;

(6) that I shall render all necessary assistance to the‡ Probation Officer to enable him to carry out the duties of supervision ;

¶ (7)
¶ (8)
¶ (9)

§ (10) In the event of my making default herein, I bind myself to forfeit to the Government for the purposes of the State the sumof Rs..... .....(Rupees.....)

Dated this the.....day of.....19....

Before me

(Signed.)
Signature of person executing the bond (Where a bond with sureties is to be executed add.)

I/We.....(here enter the matter contained at page 9 of the Bombay Children Rules, 1950).

Omit where no surety is required.

To be retained in the case of a child or juvenile offender of school age.

These words should be omitted if the supervision by a probation Officer has not been ordered.

The additional conditions, if any, by the Court may be entered. numbering them properly.

To be re-numbered where necessary.

SCHEDULE II.

[*Sub-Rule* (3) *of Rule* 18.]

BOND TO BE SIGNED BY A CHILD OR YOUTHFUL OFFENDER WHO HAS BEEN REPATRIATED OR SENT TO A RELATIVE OR A FIT PERSON TO HIS NATIVE PLACE.

WHEREAS I,..... ..... inhabitant of..... ..have been ordered to be repatriated or sent back to my native place by the Juvenile Court/Magistrate of..... ..... under sub-section.....of Section..... of Mysore Children Act, 1964, on my entering into a bond to observe the conditions mentioned herein below, Now, therefore, I do solomnly promise to abide by these conditions during the period specified in the Order made by the Court.

I hereby bind myself as follows :—

(1) That during the period of .....I shall not leave the..... ...place of a relative or fit person .....in which I am repatriated or sent and shall not returns to.. .....or go anywhere else.

(2) That during the said period I shall attend work/School in the place to whcih I am repatriated or sent.

(3) That I shall be of good behaviour and shall not in any way commit any breach of conditions laid down in this bond and accepted by me.

(4) That during the period specified in the Order I shall particularly observe the following conditions :—

(*a*) That I shall accept the guidance and assistance of the relative or fit person to whom I am repatriated or sent or to whose care and custody, I am entrusted as named in the Order and will obey the directions given to me from time to time by the said person ;

(*b*) That I shall not play truant from home, school, work, or place to which I am repatriated or sent ;

(*c*) That I shall live honestly and peaceably and will endeavour to earn and an honest livelihood/attend school regularly and obey the authorities and shall not change my employment/School without the permission of the relative or fit person to whom I am repatriated or sent.

(*d*)

(*e*)

(*f*)

In case of my making default in observing any of the conditions specified above, I shall on any re-appearance before the Court receive such order as the Court deems fit.

Signature or mark of.....

SCHEDULE III.

[*See* Rule 19(1)]

FORM OF ORDER OF RELEASE ON LICENSE

I, ..., Chief Inspector of Certified Schools, State of Mysore, Bangalore, do by this license, permit.....son/daughter of ....., Caste.... Residence....., ... Register Number.....who was ordered to be detained in a Certified School by the.....Court under section .....of the Mysore Children Act, 1964, for a term of.....years on the .....day of.....19..., and who is now detained in the..... school at ..... to be discharged from the said school on condition that he/she be placed under the care, supervision and authority of the Secretary/Society/Advosory Board/Probation Officer/Superintendent, during the remaining portion of the aforesaid period detention.

This license is granted subject to the conditions endorsed hereon, upon the breach of any of which, it shall be liable to be revoked.

Chief Inspector of Certified Schools
State of Mysore, Bangalore.